UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 2 0 2010

OFFICE OF PETITIONS

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

In re Patent No. 7,615,939	:	DECISION ON REQUEST FOR
Halter	:	RECONSIDERATION OF
Issue Date: November 10, 2009	:	PATENT TERM ADJUSTMENT AND
Application No. 10/802,277	:	NOTICE OF INTENT TO ISSUE
Filed: March 17, 2004	:	CERTIFICATE OF CORRECTION
Docket No. 16990-52545-B	:	

This is a decision on the petition filed on December 15, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-six (1546) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The term of the above-identified patent is extended or adjusted by **one thousand five hundred ninety-two (1592) days**.

In the present petition, patentee is correct that there is overlap between the A delay and B delay. However, patentee has calculated the A delay, B delay and the overlapping period incorrectly. The A delay is 1295 (1220 + 75) days. The B delay is 969 days, beginning on March 18, 2007 and ending on November 10, 2009. These periods overlap by 626 days (551 days running from March 18, 2007 to September 18, 2008, and 75 days running from August 28, 2009 to November 10, 2009). Patentee acknowledges applicant delay is 46 days.

Accordingly, the patent term adjustment is 1592 days (1295 days of A delay + 969 days of B delay - 626 days of overlap - 46 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

As stated in the decision of October 7, 2009: "Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and **must include payment of the required fee under 37 CFR 1.18(e)**." (Emphasis added). Thus, the Office will charge the Deposit Account for the required fee of $200.00 set forth in 37 CFR 1.18(e) for consideration of the present request for reconsideration of the patent term adjustment.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand five hundred ninety-two (1592) days.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT: 7,615,939 B2

DATED: Nov. 10, 2009   **DRAFT**

INVENTOR(S):   Halter

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1249 days

Delete the phrase "by 1249 days" and insert – by 1592 days--

PTA Calculations for Application: <u>10/802277</u>

Application Filing Date:	03/17/2004	PTO Delay (PTO):	1295
Issue Date of Patent:	11/10/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	46
Post-Issue Petitions:	0	Total PTA (days):	1592
PTO Delay Adjustment:	343		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	04/20/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	343		
65.5	10/21/2009	PTA 36 MONTHS			
65	11/10/2009	PATENT ISSUE DATE USED IN PTA CALCULATION	75		57
64	10/15/2009	EXPORT TO FINAL DATA CAPTURE			
63	10/14/2009	DISPATCH TO FDC			
62	10/07/2009	MAIL-PETITION DECISION - DISMISSED			
61	10/07/2009	PETITION DECISION - DISMISSED			
60	04/28/2009	FINISHED INITIAL DATA CAPTURE			
59	04/27/2009	PETITION ENTERED			
58	04/28/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
57	04/27/2009	ISSUE FEE PAYMENT VERIFIED			
56	04/27/2009	ISSUE FEE PAYMENT RECEIVED			
55	04/06/2009	EXPORT TO INITIAL DATA CAPTURE			
54	04/03/2009	MAIL NOTICE OF ALLOWANCE			
53	03/31/2009	ISSUE REVISION COMPLETED			
52	03/31/2009	DOCUMENT VERIFICATION			
51	03/31/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	03/31/2009	CASE DOCKETED TO EXAMINER IN GAU			
49	03/30/2009	NOTICE OF ALLOWABILITY			
45	03/10/2009	DATE FORWARDED TO EXAMINER			
44	02/02/2009	RESPONSE AFTER NON-FINAL ACTION		46	40
43	02/02/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
42	10/20/2008	CHANGE IN POWER OF ATTORNEY (MAY			

		INCLUDE ASSOCIATE POA)			
41	10/16/2008	CORRESPONDENCE ADDRESS CHANGE			
40	09/18/2008	MAIL NON-FINAL REJECTION	1220		-1
39	09/15/2008	NON-FINAL REJECTION			
38	03/17/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	03/21/2008	CASE DOCKETED TO EXAMINER IN GAU			
30	03/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
29	03/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
28	01/16/2008	CASE DOCKETED TO EXAMINER IN GAU			
27	12/19/2007	CASE DOCKETED TO EXAMINER IN GAU			
26	08/27/2007	REQUEST FOR CLASSIFICATION DIVISION DECISION			
25	03/17/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	07/13/2007	TRANSFER INQUIRY TO GAU			
23	06/09/2007	TRANSFER INQUIRY TO GAU			
22	06/09/2007	TRANSFER INQUIRY TO GAU			
21	03/18/2007	TRANSFER INQUIRY TO GAU			
20	12/13/2006	TRANSFER INQUIRY TO GAU			
19	03/17/2005	REFERENCE CAPTURE ON IDS			
16	10/12/2005	TRANSFER INQUIRY TO GAU			
15	05/26/2005	TRANSFER INQUIRY TO GAU			
14	10/01/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	09/09/2004	REFERENCE CAPTURE ON IDS			
12.7	09/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	08/31/2004	APPLICATION RETURN FROM OIPE			
10	08/31/2004	APPLICATION RETURN TO OIPE			
9	08/31/2004	APPLICATION DISPATCHED FROM OIPE			
8	08/31/2004	APPLICATION IS NOW COMPLETE			
7	08/03/2004	ADDITIONAL APPLICATION FILING FEES			
6	08/03/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
5	06/03/2004	CORRECTED PAPER			

4	04/13/2004	CLEARED BY OIPE CSR				
3	04/13/2004	CASE CLASSIFIED BY OIPE				
2	04/02/2004	IFW SCAN & PACR AUTO SECURITY REVIEW				
1	03/17/2004	INITIAL EXAM TEAM NN				

Search Another: Application# [   ] [Search]

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page